

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JAMES EDWARD GARY, JR.,)	
# 222516,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 3:22-cv-122-WHA-SMD
)	(WO)
DEBORAH TONEY, et al.,)	
)	
Respondents.)	

ORDER

The Court's Order of April 11, 2022 (Doc. 3) is WITHDRAWN, and the following Order is entered.

On March 14, 2022, the Magistrate Judge filed a Recommendation that this case be dismissed. Doc. 2. Petitioner has filed an Objection to the Recommendation. Doc. 5. Upon an independent review of the record and upon consideration of the Recommendation and Petitioner's Objection, it is ORDERED that:

- (1) Petitioner's Objection (Doc. 5) is OVERRULED;
- (2) the Magistrate Judge's Recommendation (Doc. 2) is ADOPTED; and
- (3) this case is DISMISSED for lack of jurisdiction, in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), because Petitioner has not obtained the required permission from the Eleventh Circuit Court of Appeals authorizing a federal district court to consider Petitioner's successive habeas application.

A final judgment will be entered separately.

DONE this 19th day of April, 2022.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE